

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOSEPHINE PHELPS,

Plaintiff,

Case No. 20-cv-1710-bhl

v.

ANDREW M SAUL,  
Commissioner of Social Security,

Defendant.

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**ORDER ESTABLISHING APPEAL PROCEDURE**

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In this lawsuit, the plaintiff appeals from a decision by the Social Security Administration denying an application for certain benefits. The court orders the following appeal procedure shall govern this action:

1. **Service of the certified administrative record.** By **January 25, 2021** the defendant shall file and serve on the plaintiff the certified administrative record. At this step the parties have an opportunity to consider and pursue resolution of the plaintiff's appeal without the need for a court decision on the merits.
2. **Plaintiff's brief.** By **March 8, 2021** the plaintiff shall file a brief with the Clerk of Court and send a copy to defendant's counsel. This brief shall include:
  - a. **Statement of the Case.** The plaintiff should describe briefly the outcome of the administrative proceedings. The plaintiff should then present a brief statement of the relevant facts which should also include a brief summary of the plaintiff's physical and mental impairments which allegedly prevent the plaintiff from working.
  - b. **Statement of Errors.** This statement shall set forth the specific errors allegedly committed at the administrative level which entitle the plaintiff to relief.
  - c. **Statement of Relief.** This statement shall set forth the relief sought.
3. **Defendant's brief.** By **April 19, 2021** the defendant shall file and serve its brief which responds specifically to each error raised by the plaintiff. In addition, the brief should raise relevant matters not put at issue by the plaintiff and include

whatever supplemental materials the defendant deems appropriate to support such other matters. The defendant need not include a “statement of the case” unless the plaintiff’s statement is inaccurate or incomplete.

4. **Plaintiff’s reply brief.** By **May 4, 2021** the plaintiff may file with the Clerk of Court, and send a copy to the defendant’s counsel, a brief which responds to the matters raised in the defendant’s brief.
5. **Page limitations.** The initial briefs of the plaintiff and defendant shall not exceed 30 double-spaced pages each, and the reply brief of the plaintiff shall not exceed 15 double-spaced pages, unless the Court grants an exception for good cause shown.
6. The parties should notify the Court promptly if either chooses not to submit a reply brief or supplemental supporting materials.

Dated at Milwaukee, Wisconsin this 24th day of November, 2020.

s/ Brett H. Ludwig  
BRETT H. LUDWIG  
United States District Judge